

April 6, 2011

Re : HB 638 – Referendum to require proof of citizenship to receive state service

Dear Members of the Senate Judiciary Committee:

Disability Rights Montana opposes this measure as it fails to take into account the serious consequences of requiring proof of legal residence prior to providing critical emergency services to people with disabilities.

This measure prohibits the provision of all services within the entirety of the mental illness and developmental disability titles in the code unless a person's lawful presence has been established. It similarly prohibits the provision of all services provided under the adult services section. All of these titles include provisions for critical emergency interventions.

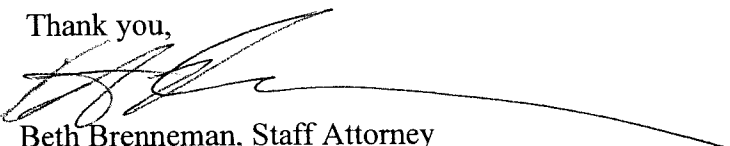
Aside from the serious moral concerns with depriving critical emergency services to individuals with disabilities who are not in this country legally, this prohibition could have serious consequences for people with disabilities who are legally present, but do not have identification or proof of that legal presence when emergency services are needed.

With regard to emergency detention of people with psychiatric issues which is one of the services included under Title 53, Chapter 21 included in this bill, time is of the essence. An attempt to establish the legal residence of an individual prior to providing this service could cause dangerous delays in getting medical care. As one of the few services that this bill allows to be provided is detention in local jails, we fear that this change in the law would cause more individuals needing psychiatric care to be diverted to these facilities instead of accessing treatment.

The problem of delay in providing emergency services is equally as troubling with regard to adult services providing under Title 52, Chapter 3 which are also prohibited without proof of legal presence. Among other things, this section provides for state investigation and intervention where there are allegations of abuse or neglect of seniors or people with developmental disabilities. Similarly here, delay could have serious consequences.

From my conversations with the sponsor regarding HB 534, which is quite similar to this measure, I do not believe that this is the intention of this bill or HB 534. Unfortunately, I believe that is the bill's current effect as drafted. For this reason, we oppose HB 638.

Thank you,



Beth Brenneman, Staff Attorney
Disability Rights Montana